



House of Commons Debates

FOURTH SESSION, FIFTH PARLIAMENT.—49 VIC.

SPEECH OF HON. E. BLAKE, M.P.,

ON

SIR HECTOR LANGEVIN'S MOTION TO PASS TO THE ORDER OF THE DAY.

OTTAWA, MARCH 17TH, 1886.

Mr. BLAKE. Under these circumstances, I hope that the error will be noted in our daily record, so that we may know what motions are put to the House and what the regular course of business is. When the hon. gentleman proposed that we should adopt the course he urged yesterday, I ventured to say that the situation was not the same. The situation yesterday was this: An hon. member had a Bill in the Orders relating to another matter before the House, and the result of pressing the motion that we should proceed to the Orders of the Day, as against the Bill, would injuriously interfere with the progress of a Bill which had nothing to do with this question; but the question we are called on to consider to-day is which of two propositions we will adopt, both of which have relation to the matter in hand. The first is that we should have the evidence material to the formation of a judgment before proceeding to a judgment, and the second is that we shall proceed to judgment before getting the evidence. The hon. member for Bellechasse (Mr. Amyot) proposes that certain papers of high consequence in considering the question, and in considering the conduct of the Government—papers upon which the Government proceeded in coming to a conclusion—shall be laid upon the Table, so that we may know what that was which the Government had before it when they came to their conclusion. In amendment or in supersession, at any rate, with a view of defeating that proposal and obliterating it from the Order paper, the hon. gentleman proposes that we should proceed to judgment in the case. Of course, we all understand that there is a well-known rule of law which is based on the common sense of mankind and which will answer the purpose of a judgment in this particular, though not so satisfactorily as the production of documents. That rule is:—*Omnia praesumuntur contra spoliatorem*. Everything is presumed against the man who suppresses, conceals, or gives away the documents in the case. If the Government, in preference to submitting to the Order to produce the papers, insists upon the trial of the case without the documents, that presumption will be drawn here amongst lawyers and laymen and by the world at large. I am prepared to draw it, and I

think other people will draw it as well. But that is not satisfactory to me, because I believe the proper course is that the papers should be produced, and that, not upon such presumptions, however well founded they may be in law and common sense, but on the documents themselves should we proceed to judgment. I call your attention, Sir, to this question of the production of papers, and to the view this Government seems to take as to its duties and responsibilities, and as to the rights and responsibilities of Parliament in that connection; because it seems to me that it is extremely material to the disposition of this motion that we should understand, once for all, what is the duty and responsibility of Government, and what are the rights and responsibilities of Parliament. Now, remember that the first papers which are material to the particular question in hand, so far as that question at all bears upon the conduct of the Government before the rebellion, were moved for by myself as long ago as pretty early in the Session of 1883. These papers were connected with the complaints and representations of the settlers near Prince Albert, and the House unanimously ordered, on that occasion, the production of those papers. The Session of 1883 went on, and it ended, and the papers were not produced. The Session of 1884 commenced, it ran its course, and it ended, and the papers were not produced. The Session of 1885 commenced, and ran a long way in its course, and the papers were not produced. The rebellion broke out; the Government was pressed, time and again, to bring down the papers so long delayed. It was pressed to comply with this Order, so contemptuously ignored for these several periods, and at length, long after these repeated demands were made, in the Session of 1885 these particular papers, or some of them, were brought down, in obedience to the Order of 1883. I say that if the Order of the House had been complied with, it is in the highest degree improbable that the rebellion would have occurred. If this Parliament had obtained those documents and papers which were called for in time for it to consider them, with the light and knowledge those documents would have given us, with the knowledge of what were the grievances of the people and what the Government had done and was doing, we might have been saved the

shame and pain and disgrace of the events which have since occurred. But the Government ignored, as it always has done, its duties and obligations towards this House, not indeed by contesting our right to the papers, except very rarely, but by passing the motions without a word, and then contemptuously ignoring the Orders of the House, with the results to which I have referred. Then the rebellion broke out just about this day a year ago, or a little earlier. The call was made again for papers, a call which has been repeated continuously since that time. I point to your attention that upon the occasion of a former outbreak, the outbreak of 1869-70, the Government had recognised their duty in that regard. The moment Parliament met, the outbreak having taken place during the recess, although it was still going on, although there was an alleged provisional Government, or a *de facto* Government, in that country, the Government felt that it was their duty to the Parliament, that it was their obligation to the public of that day, to lay before Parliament the papers which contained the information with reference to the causes of the outbreak, and with reference to the course and the conduct of the Government in connection with the outbreak, the papers which would enable us to measure what had been the discharge of their duties by the Government in that regard. They felt it to be their duty to lay those papers before Parliament, voluntarily and spontaneously. They were promised in the Speech from the Throne, and they were laid before us a very few days afterwards. It was said, indeed, that there might be some phrases or a name or two which it might be inexpedient to publish at that time, and the First Minister pointed out, and pointed out with propriety, the importance of not doing any damage to private interests in that region; and the Government therefore proposed a secret committee to look over the papers and decide which could be published without damage to public or private interests. The First Minister did not then arrogate to himself the right to be the judge of what should be the materials to be brought down to Parliament to enable us to decide upon the cause which might be pending between the people and the Administration of the day. He felt that his own position demanded that men on both sides of the House should see all the papers, and that to men from both sides of the House should be committed the task of determining whether public or private interests required the publication or the suppression of certain papers; and, from this side of the House, my hon. friend from East York (Mr. Mackenzie), the late member for Chateaugay (Mr. Holton), and myself, and I think another, but I am not quite sure, were appointed. We met, we looked through all the papers, they were all brought down, and I think we omitted one sentence and two or three names, and it was agreed between us unanimously that these should be omitted; but, as to all the rest, we agreed that they were fit to be made public, that they were fit to be made known to Parliament and to the people; and so they came on the Table of the House, so they were made public to the world, and so the whole information as to the events which had preceded the rebellion, the events which had brought about the rebellion, the course, conduct and policy of the Government, which could be discovered at that time in the public offices, were brought forward. I say not that everything was brought forward; I say that much was not brought forward which ought to have been; I say not that much was not then concealed. All of us who have since watched public events, all of us who have since read the proceedings of the Select Committee on the North-West troubles, know that much was kept back; but still ostensibly all was brought down; the duty was acknowledged if it was not performed, to bring down everything affecting the matter; and hon. gentlemen on both sides decided what should be published. Here, a rebellion takes place,

an outbreak takes place, many lives are lost, millions of treasury are expended, I call for papers, and the hon. gentleman says: I will decide for myself what papers should be brought down and what should not be brought down. No longer does he say he will bring down all the papers, and strike a committee to see what should be made public and what should not; but he says that he will himself see what papers should be brought down, with a view to the effect which such and such papers will have on the fortunes of the Government of the day. Do you mean to tell me that the Government of the day, whose political futures, whose political as well as personal reputations depend upon the evidence to be brought down, are the fit judges of what papers are to be kept back and what papers are to be laid before Parliament? Do you mean to tell me that it is to be left to them to say what pieces of evidence are innocent enough, or harmless enough, or are sufficiently well known to hon. gentlemen opposite to render it useless to retain them, what papers can be safely brought down or what papers can be safely kept back? It is not human nature, to is not common sense that such a doctrine should be laid down, that those who are charged and who admit, as the First Minister admitted last Session, in answer to myself, that an outbreak has occurred of such serious consequence as to render them responsible to the House and to the country, should have it left to themselves to say what shall come down, and that too at a moment when they are pressing on a decision upon one of the important questions involved in this matter. With one breath they call upon us to sit from day to day, and from hour to hour to discuss this question, to the suppression of all other business; and with the other, they hold back, they refuse to produce the documents which are important to arrive at a right conclusion on that very matter. A few papers were brought down, under dint of constant pressure—pressure administered from day to day—were brought down after as much reluctance and difficulty as if the operation had been one of the extraction of teeth referred to by me last Session. At one time we heard that the clerks' time prevented these papers coming down, that there were not enough clerks in the Department to copy them; and, after that was told to us, they were brought down, and I had them copied by one or two men in twenty-four hours. While millions of dollars were being expended in the suppression of a rebellion, we were told we could not hire enough men at a dollar and a half a day to copy the documents which would tell the people who were responsible for that rebellion. At another time, we were told that the public interest required the suppression of certain papers during the revolt. We are yet to have it shown or pointed out to us that there is a single paper, the production of which would have hurt the public interest at that time. The fact is, that the hon. gentlemen have for a long time confounded the public interest with their own, that they have confounded the public interest with the interest of the Tory party, and that they are disposed to say that whatever hurts the Tory party hurts the public interest, and, therefore, they will not bring down these papers. Well, some evidence was omitted; some papers were refused for another reason. I was told that, in a heartless manner, regardless of the interests of the missionaries in the North-West who were there with their lives in their hands; regardless of the temporal interests of Bishop Grandin and of other missionaries, Protestant and Roman Catholic; regardless of the interests of the officers of the Government, I was calling ruthlessly, while yet there was war between the half-breeds and the rest of Canada, and, after that was over, while yet there was danger of an Indian war, for the production of documents which would endanger the lives of these men—documents, Sir, which would have proved that these men had done their duty by

the people of that country, documents such as those which my hon. friend from Bellechasse (Mr. Amyot), the other day produced, though the Government declined, out of tender consideration and care for the interests of Bishop Grandin and those under him, to bring them down last Session; documents which proved that that prelate had, in the month of June, just after or just before Riel had arrived, communicated to the Government the condition of affairs, communicated to the Government the condition of discontent, communicated to the Government the condition of excitement, pointed out what the nature of the demands was, pointed out that some were reasonable and some were unreasonable, called upon the Minister of Public Works to do his duty by his compatriots and his country, called upon him to give his early and earnest attention to this subject, and called upon the First Minister as well, that these documents, which pointed out that there had been great neglect on the part of the Government in the past, that Bishop Grandin himself had appealed to them time and again, that he had been received, as he said he was, as we know that everybody is, by the First Minister with most courteous words, with the kindest promises, but with no measure of performance; documents which prove the urgency of the case, documents which speak of another interesting event, also up to that time concealed from us, which speak of a visit of the Lieutenant-Governor to those quarters, which occurred prior to the month of June, and of the reception which that dignitary met with from the inhabitants of that country, an unsatisfactory reception which the Bishop regretted, but which he explained by the existence of discontent. Well, Sir, we were told that Bishop Grandin would be injured; his authority, already shaken, would be destroyed, if the Government brought down the papers which proved that Bishop Grandin had done his duty by his people. He had made representations of their interests and of their condition, and had exhorted the Government repeatedly, though without success, to give attention to the matter. We were told by the First Minister that the production of the papers at that time would hurt Bishop Grandin. I answered him, that the production of such papers was necessary to preserve the honor, to maintain the authority and in the true interest of those dignitaries, whether they be officers of the Government of Canada, or officers of the church of that country; and I say so now. I say once again, that you cannot believe, in the face of the fact that the officers of the Government in that country still hold their office—you cannot believe but that they have reported from time to time, and fully, to the Government, what the position of that country was, and what was going on. Have they or have they not? if they have not, how does it come that Government dares to meet Parliament with these men still in office. If they have, is it not of the last consequence that we should see what their reports say, and understand what the situation of affairs was? one way or the other—these men are unfit for their duty wholly, and proved to be unfit, or they have reported. If they have not reported, how are they in office? if they have reported, why have we not their report? It is utterly impossible, Sir, to escape from the view, the men being retained in office, that those reports have been made. It was their first duty, their first charge, to have made them, if their duty was fully performed. Then, Sir, there is another report to which I have already referred, which has been suppressed, the report of Colonel Houghton, of the 28th July previous, when he reported the condition of affairs in that country at that time, when he went to get the arms, and which report the Minister of Militia declines to give us, but which gave most important information as to the condition of that country, information which indicated what the duty of Government was, in a very plain way. Now, Sir, the Government has not ventured, much as it ventures upon the

fidelity, not to say the subserviency, of this Legislature—the Government has not ventured openly to aver that it would not bring down the papers. Towards the close of last Session I made further demands. As to the First Minister, and as to some, the present Minister of Finance, then acting as Minister of the Interior, answered me that there were such and such papers, and that they would be brought down. And this Session, having appealed four times, or five, to the First Minister upon this subject, he has at length stated that the Government was about to bring down spontaneously the papers of the North-West. Why? Because he acknowledges it his duty to do so, because he acknowledges that it is his obligation towards this House to bring down those papers. And why not now? Because they are now in course of preparation! Sir, the rebellion commenced a year ago, Parliament has been prorogued for six or seven months, we have met now for three weeks, and if an obligation is admitted to bring down papers to Parliament, does it not imply, and necessarily involve, the obligation to have these papers ready for Parliament, to bring them down in time to Parliament? Does it not, at any rate, involve the proposition that so long as you tell us that your neglect of your duties has prevented you from preparing the papers and from implementing your obligation, so long as you ought not to press on with the decision of the cause, that you will not, with one hand, force a motion into the Speaker's hands, insisting upon a decision on it, and put the other hand behind your back and say: In our own good time; after you have a decision of the question, we will bring down as many papers as we think it safe to bring down, or as we think we cannot escape from bringing down, and leave you to prove how many more you know of, or to move a committee of enquiry, or some other futile step, because we do not know what are the papers which remain. Sir, the First Minister, when I first called upon him this Session, declared that he would look at the demands which I made last Session, and give me an answer. Two or three times I appealed to him, and he said that he had not been able yet to go through it all, and in the end he said to me: Really, the documents were so numerous, would cover such a large amount of ground, that he must ask me to do it myself, must now ask me once again to say what it is I want. Whereupon I asked whether any papers were to be brought down spontaneously, to which the hon. gentleman replied, yes. I suppose that nobody here was so very innocent as not to understand the meaning of the First Minister's observations. He was extremely anxious to put it upon me, who have not access to his department and his pigeon-holes, who do not know all the papers that are there, who cannot tell what he has got, to specify all that I may have heard of, and thus to limit the scope of his obligation and his duty. Sir, he acknowledged that he had a duty, that duty he has neglected, and still persistently neglects. I say that we ought not to proceed with the enquiry at this time. I believe, Sir, that the proposal which is now being made is one to put the cart before the horse. My opinion is, and always has been, that it was necessary that the debate of which the hon. gentleman proposed the resumption, should be proceeded with, that it should be fully discussed in Parliament, that it should be debated and decided here; but my opinion also is, that an essential element in a final judgment and satisfactory conclusion of that question is a thorough threshing out of the events which preceded the rebellion, and of the conduct of the Government with reference of all those events, and an ascertainment of the relative measure of the responsibility of the Government and of the half-breeds in that regard. I do not think these questions can conveniently, owing to the great magnitude of each of them, be conjoined; and am of

opinion that it is putting the cart before the horse to dispose of this question first and the others afterwards. But the Government, by the use of its majority, and for various obvious purposes, has chosen to put the cart before the horse and to propose that this question should be decided first, before the other question which is, in order of time, in order of convenience, in order of reason and common sense, the first to be discussed and threshed out. Well, we are obliged to submit to the decision of the majority as to the time and mode in which the trial of the Government will take place. They have selected, apparently, an accuser, they have framed an indictment, they have got hold of a jury, they are now deciding what the evidence shall be against themselves. I say that the form of procedure being selected by themselves, the least that should happen to us is that, at any rate, we should get the evidence before we are called

on to decide the cause. I do not believe, Sir, that in any other Parliament in the world would a motion, such as the hon. gentleman has just now made, prevail. I do not believe any House in which the forms of constitutional government and parliamentary government still represent its substance are still animated by its spirit, would allow a motion to bring down material evidence to be superseded at the instance of the accused by a proposal to proceed to judgment. I shall not believe it in spite of what I see before me, in spite of what I fear. Until I see it, I shall not believe that this Parliament will deliberately determine to proceed to judgment in preference to obtaining the evidence material to form the judgment. It may be so, but if so, I shall deeply regret it, and I shall know, of course, what inferences to draw as well as regards those who propose as those who support such a course.

